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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,491	01/09/2002	Michael Wayne Brown	AUS920010970US1	6098

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EXAMINER	
DUONG, OANH L	

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/042,491	BROWN ET AL.	
	Examiner	Art Unit	
	Oanh Duong	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 January 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 January 2002* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *01/09/2002*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-30 are presented for examination.

Drawings Objection

2. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

.3. Claims 12 and 29 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 12 and 29 are not limited to tangible embodiments. The claim recited "A computer program, on a computer usable medium, having program codes for rendering a document on a display, comprising..." is nonstatutory. Since claim 12 recited "A

computer program ..." is just limited to a functional descriptive materials" consists of computer program per se, instead of being defined as including tangible embodiments (i.e., a computer readable storage medium such as memory device, storage medium, etc., (*excluding transmission media such light waves*...as defined in the specification of instant application at page 14 lines 17-21)). As such, the claim is not limited to statutory subject matter and is therefore nonstatutory.

To overcome this type of 101 rejection, examiner suggests applicants to amend the claim to include computer usable storage medium to store computer codes (for example, the claim should be amended as "A computer program, on a computer readable storage medium, having program code means for rendering a document on a display, comprising:" see MPEP 2106 section V. DETERMINE WHETHER THE CLAIMED INVENTION COMPLIES WITH 35 U.S.C. 101 under subsection 1. Nonstatutory subject matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-8, 12-16, 19-24 and 26-30 are rejected under 35 U.S.C. 102(a) as being anticipated by Votipka (US 6,185,589 B1).

Regarding claim 1, Votipka teaches a method for rendering a document on a display utilizing a viewer program running on a computer system (Fig. 4), comprising:

receiving primary content of the document to be displayed (i.e., user loads a web page, col. 3 lines 33);

identifying secondary content to be displayed in conjunction with the primary content (i.e., a page that includes the banner, col. 3 lines 33-34);

determining whether there is available white space within the primary content, when displayed within a display area, to accommodate the secondary content (i.e., the browser itself determines the width of the display area, col. 3 lines 34-35); and

performing at least one of embedding the secondary content in the available white space if it is determined that there is available white space to accommodate the secondary content, and reflowing the primary content to form suitable white space in the displayed area and embedding the secondary content in the suitable white space formed (i.e., browser automatically resizes the variable-width cells to adjust the width of the table to cover the width of the window that displays the web page, col. 3 lines 15-20).

Regarding claim 2, Votipka teaches the method of claim 1 further comprising receiving a user action to change a display of the primary content in the displayed area (col. 4 lines 12-13); and reiterating determining available white space and performing at least one of embedding the secondary content and reflowing the primary content (col. 4 lines 23-25).

Regarding claim 3, Votipka teaches the method of claim 2 wherein the user action comprises at least one of a resizing of the display area and a scrolling of the primary content (col. 4 lines 12-13).

Regarding claim 4, Votipka teaches the method of claim 1 wherein the white space is a background to the primary content (col. 4 lines 29-30).

Regarding claim 5, Votipka teaches the method of claim 1 wherein identifying secondary content comprises receiving a designation associated with receiving secondary content indicating that the secondary content is to be persistently displayed within white space of the document (col. 3 lines 33-34).

Regarding claim 6, Votipka teaches the method of claim 5 wherein receiving a designation further comprises retrieving the designation from a database accessible to the viewer program (col. 4 lines 21-22).

Regarding claim 7, Votipka teaches the method of claim 1 wherein identifying secondary content comprises generating a viewer object containing the secondary content (col. 4 lines 51-54).

Regarding claim 8, Votipka teaches the method of claim 1 further comprising automatically resizing the secondary content to fill the determined white space (col. 3

lines 61-64).

Claim 12 represents a computer program that is parallel to claim 1. Claim 12 does not teach or define any new limitation above claim 1 and therefore is rejected or similar reasons.

Claim 13 does not teach or define any new limitation above claim 2 and therefore is rejected for similar reason.

Claim 14 does not teach or define any new limitation above claim 5 and therefore is rejected for similar reason.

Claim 15 does not teach or define any new limitation above claim 7 and therefore is rejected for similar reason.

Claim 16 does not teach or define any new limitation above claim 8 and therefore is rejected for similar reason.

Claim 19 represents a computer system that is parallel to claim 1. Claim 19 does not teach or define any new limitation above claim 1 and therefore is rejected for similar reasons.

Claim 20 does not teach or define any new limitation above claim 2 and therefore is rejected for similar reason.

Claim 21 does not teach or define any new limitation above claim 5 and therefore is rejected for similar reason.

Claim 22 does not teach or define any new limitation above claim 7 and therefore is rejected for similar reason.

Claim 23 does not teach or define any new limitation above claim 6 and therefore is rejected for similar reason.

Claim 24 does not teach or define any new limitation above claim 8 and therefore is rejected for similar reason.

Claim 26 does not teach or define any new limitation above claim 1 and therefore is rejected for similar reasons.

Claim 27 does not teach or define any new limitation above claim 1 and therefore is rejected for similar reasons.

Claims 28-30 do not teach or define any new limitation above claim 1 and therefore are rejected for similar reasons.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 9-10, 18 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Votipka in view Admitted Prior Art (APA).

Regarding claim 9, Votipka teaches the method of claim 1 wherein the step of determining whether there is available white space.

Votipka does not explicitly teach determining the areas of the data elements used through a Document Object Model Interface.

APA teaches determining the areas of the data elements used through a Document Object Model Interface (page 4 lines 1-12).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Document Object Model Interface of APA in the process of rendering a document on a display in Votipka. One would be motivated to do so to allow

the content to by dynamically accessed and updated.

Regarding claim 10, Votipka teaches the method of claim 1 wherein the step of reflowing the primary content.

Votipka does not explicitly teach making changes to the document Object Model tree and reflowing the document according to the changes.

APA teaches making changes to the document Object Model tree and reflowing the document according to the changes. (page 4 lines 1-12).

It would have been obvious to one of ordinary skill in the art at the time of the invention modify Votipka to make changes to he document Object Model tree and reflowing the document according to the changes as in APA. One would be motivated to do so to allow the content to by dynamically accessed and updated.

Claim 18 does not teach or define any new limitation above claim 9 and therefore is rejected for similar reason.

Claim 25 does not teach or define any new limitation above claim 9 and therefore is rejected for similar reason.

6. Claims 11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Votipka in view of Ballard (US 6,182,050 b1).

Regarding claim 11, Votipka teaches the method of claim 1 wherein identifying secondary content to be displayed in conjunction with the primary content.

Votipka does not explicitly teach identifying secondary content having a time based designation for causing at least one of i) an alternating of the display of the secondary content with other designated secondary content in a same white space, and ii) a displaying of the identified secondary content in the white space for only the time period specified.

Ballard teaches system and method wherein matching between advertisement and target consumer is achieved (see abstract). Ballard teaches identifying secondary content having a time based designation for causing at least one of i) an alternating of the display of the secondary content with other designated secondary content in a same white space, and ii) a displaying of the identified secondary content in the white space for only the time period specified (col. 13 lines 7-13).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Votipka to display the second content in the white space for only the time period specified as in Ballard. One would be motivated to do so to allow advertiser to be able to reach target consumers within a system which protects consumer privacy (Ballard, col. 1 lines 58-60)

Claim 17 does not teach or define any new limitation above claim 11 and therefore is rejected for similar reason.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh Duong whose telephone number is (571) 272-3983. The examiner can normally be reached on Monday- Friday, 2:00PM - 10:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

O.D
September 11, 2005

SALEH NAJJAR
PRIMARY EXAMINER